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Sam A. Schmidt, Esq.

August 29, 2024

Honorable Lewis A Kaplan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

BY ECF

Re: *United States v. Matthew Queen*,
24 Cr. 291 (LAK)

Dear Honorable Judge Kaplan:

This letter is in response to the government's letter requesting that defendant's motion be removed from the docket and refiled without exhibits or quotes from the discovery. Defendant opposes this motion.

The protective order permits the use of the discovery material "for the purpose of defending this action." The order does not bar the use of the material in motions filed on ECF. It does bar disclosure "in any other civil litigation, arbitration or other private or alternative dispute resolution." Clearly the use of the material in a motion to dismiss is not barred by the above limitation. The filings also comply with the privacy protections provisions of Fed. R. Crim. P. § 49.1.

Counsel was aware that the discovery that was provided to counsel as "Attorney Eyes Only" required counsel's response in opposition to the government's motion for a protective order to be filed under seal. The discovery material received by counsel on Tuesday, August 27, 2024 was not for "Attorney Eyes Only" and is why the counsel awaited receipt of the material that was not subject to "Attorney Eyes Only."

Nothing in the public filing of the motion to dismiss "affects the privacy,

confidentiality and business interests of individuals and entities.” Nor does it impede the investigation of uncharged individuals or risk prejudicial pretrial publicity.

The defendant has no objection to the government’s request that its response be due on September 19, 2024.

Sincerely yours,

/s/

Sam A. Schmidt
Attorney for Matthew Queen